

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 6, 2004**

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused -- Barrett, Crow, McKague, Schaefer, Smith(24). Total -- 5.

Total -- 70.

Prayer was offered by Representative Bolz.

The Pledge of Allegiance was led by Chera Crane, Page.

Approval of Journal

February 6, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 5, 2004

Mr. Speaker:

I return herewith enrolled **H 504** and **H 514** which have been signed by the President.

WOOD, Secretary

Enrolled **H 504** and **H 514** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 5, 2004

Mr. Speaker:

I transmit herewith **S 1229**, **S 1230**, **S 1207**, **S 1208**, **S 1209**, and **S 1221** which have passed the Senate.

WOOD, Secretary

S 1229, **S 1230**, **S 1207**, **S 1208**, **S 1209**, and **S 1221** were filed for first reading.

Report of Standing Committees

February 6, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 15**, **H 610**, **H 611**, **H 612**, **H 613**, **H 614**, **H 615**, **H 616**, and **H 617**.

FIELD(18), Chairman

HJM 15 and **H 616** were referred to the Transportation and Defense Committee.

H 610 was referred to the Revenue and Taxation Committee.

H 611 was referred to the Environmental Affairs Committee.

H 612 was referred to the Local Government Committee.

H 613 was referred to the Agricultural Affairs Committee.

H 617 was referred to the Health and Welfare Committee.

H 614 and **H 615** were filed for second reading.

February 6, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 503** to the Governor at 12:25 p.m., as of this date, February 5, 2004.

FIELD(18), Chairman

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 512** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

H 512 was placed on General Orders for consideration.

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 502** and recommend that it do pass.

DEAL, Chairman

H 502 was filed for second reading.

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 483**, **H 486**, and **H 498** and recommend that they do pass.

BLACK, Chairman

H 483, **H 486**, and **H 498** were filed for second reading.

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 574** and recommend it be referred to the Ways and Means Committee.

STEVENSON, Chairman

H 574 was referred to the Ways and Means Committee.

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 521** and recommend that it do pass.

STEVENSON, Chairman

H 521 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 618
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO THE REGULATION OF INSURANCE; AMENDING SECTION 41-5401, IDAHO CODE, TO FURTHER DEFINE THE TERM "PROPERTY AND CASUALTY INSURER."

**HOUSE BILL NO. 619
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO INSURANCE PREMIUM RATES; AMENDING SECTIONS 41-4706 AND 41-5206, IDAHO CODE, TO REMOVE SUNSET PROVISIONS AND TO DELETE LANGUAGE REQUIRING A REVIEW AND REPORT BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE.

**HOUSE BILL NO. 620
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO GROUP LIFE INSURANCE; AMENDING SECTIONS 41-2003 AND 41-2004, IDAHO CODE, TO ELIMINATE THE RESTRICTION ON THE SALE OF VOLUNTARY GROUP LIFE INSURANCE POLICIES AND TO CORRECT CODIFIER ERRORS; AMENDING SECTIONS 41-2007 AND 41-2009, IDAHO CODE, TO ELIMINATE THE RESTRICTION ON THE SALE OF VOLUNTARY GROUP LIFE INSURANCE POLICIES, TO CORRECT CODIFIER ERRORS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 621
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE INSURANCE; AMENDING SECTION 49-1212, IDAHO CODE, TO REMOVE PROVISIONS THAT AN OWNER'S INSURANCE COVERAGE SHALL BE PRIMARY IF THE OWNER RECEIVES CERTAIN COMPENSATION, TO REQUIRE

ENTITIES OFFERING MOTOR VEHICLES TO THE PUBLIC FOR TEMPORARY RENTAL OR HIRE TO PROVIDE LIABILITY INSURANCE OR SELF-INSURANCE INSURING THE RENTER AND OTHER AUTHORIZED OPERATORS AGAINST LOSS FOR CERTAIN DAMAGES, TO PROVIDE THAT SUCH INSURANCE OR SELF-INSURANCE SHALL BE PRIMARY AND THE OPERATOR'S MOTOR VEHICLE INSURANCE SHALL BE SECONDARY OR EXCESS, AND TO PROVIDE THAT UNLESS OTHERWISE STATED IN THE DRIVER'S POLICY, THE INSURANCE POLICY OR SELF-INSURANCE OF THE ENTITY OFFERING THE MOTOR VEHICLE FOR TEMPORARY RENTAL OR HIRE SHALL BE PRIMARY AND ANY INSURANCE OF THE RENTER OR OPERATOR SHALL BE SECONDARY OR EXCESS AS TO ANY DAMAGE TO THE RENTED OR HIRED VEHICLE.

**HOUSE BILL NO. 622
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO THE IDAHO PETROLEUM CLEAN WATER TRUST FUND; AMENDING SECTION 41-4904, IDAHO CODE, TO PROVIDE THAT A MAJORITY OF THE BOARD MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS AND TO REMOVE LANGUAGE REQUIRING A MAJORITY VOTE FOR BOARD ACTIONS; AMENDING SECTION 41-4934, IDAHO CODE, TO PROVIDE THAT SPECIFIED CONFLICT OF INTEREST PROVISIONS SHALL BE APPLICABLE TO BOARD MEMBERS; AMENDING SECTION 41-4945, IDAHO CODE, TO PROVIDE THAT THE BOARD AND ITS EMPLOYEES SHALL NOT BE PERSONALLY LIABLE IN A PRIVATE CAPACITY FOR OR ON ACCOUNT OF CERTAIN ACTS OR CONTRACTS; AND AMENDING SECTION 41-4946, IDAHO CODE, TO PROVIDE DESCRIPTIVE LANGUAGE AND TO PROVIDE THAT ACTIONS AGAINST THE BOARD SHALL BE SUBJECT TO THE IDAHO TORT CLAIMS ACT.

**HOUSE BILL NO. 623
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO RESTRICT CERTAIN PUBLICATION REQUIREMENTS TO SEASON CLOSURE ORDERS AND TO MAKE A TECHNICAL CORRECTION.

H 618, H 619, H 620, H 621, H 622, and H 623 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1229 and S 1230, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1207, S 1208, S 1209, and S 1221, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth

Order of Business.

Second Reading of Bills and Joint Resolutions

H 542, **H 505**, and **H 506**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 540, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

H 554, by Trail, was read the second time by title and filed for third reading.

H 546, **H 547**, and **H 548**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

SCR 119, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 605, by Health and Welfare Committee, was read the second time by title and filed for third reading.

SCR 120, by Health and Welfare Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

SCR 118 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **SCR 118** be adopted?"

Whereupon the Speaker declared **SCR 118** adopted by voice vote and ordered the resolution returned to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 9, 2004. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Monday, February 9, 2004. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:24 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk